

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

FILED
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2006 FEB 21 P 1:50

JOANNE M. ROYER,
Plaintiff

V.

BLUE CROSS BLUE SHIELD
OF MASSACHUSETTS, INC.,
BLUE CROSS BLUE SHIELD
LONG-TERM DISABILITY BENEFIT
PLAN, a/k/a OMNIBUS WELFARE
BENEFITS PLAN
KEMPER NATIONAL SERVICES, INC.,
BROADSPIRE SERVICES, INC., and
SHELDON MYERSON, MD.,
Defendants

U.S. DISTRICT COURT
DISTRICT OF MASS.

CIVIL ACTION NO:
NO: 05-CV-10448-GAO

**PLAINTIFF'S MOTION FOR LEAVE TO FILE AMENDED/SUPPLEMENTARY
MOTION FOR SUMMARY JUDGMENT**

Now comes the Plaintiff in the above matter and moves the court for leave to file an amended/supplementary Motion For Summary Judgment and supporting affidavits and memorandum in support thereof and as grounds therefor, says as follows.

1. The filing of the Plaintiff's Motion For Summary Judgment was the result of a misunderstanding that the date for the filing for the parties' Motions For Summary Judgment was January 19, 2006, when in actuality there were scheduled hearings on the Defendants' motions as follows: (a) the Defendants' Motions To Dismiss Counts I and II as to Kemper, Broadspire and Dr. Meyerson, (b) the Defendants' Motions to Strike the Claim for Trial By Jury; (c) the Defendants' Motion to Strike Counts III as to the Defendants, Kemper, Broadspire and Dr. Myerson; (d) the Defendants' Motion To Strike Counts IV and V of the Plaintiff's Second Amended Complaint; and (e) the Defendant, Blue Cross Blue Shield's Motion to Strike the Jury Claim of the Plaintiff (brought by the Plaintiff on the grounds of other contractual bases including but not limited to the Plaintiff seeking to have her employer reinstate life insurance and dental

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insurance previously provided by the Defendant-Employer, Blue Cross and Blue Shield.).

In an effort to return to the tracking order, the Plaintiff moves the court for leave to file an Amended/Supplemental Motion For Summary Judgment accordingly on or shortly before the date ordered by the court i.e. to wit: April 4, 2006 and that replies to said Summary Judgment Motions to be filed as ordered by the court by no later than May 5, 2006 with any further reply responses to be filed as ordered by the court by no later than May 19, 2006.

2. The Plaintiff through her counsel says that this would restore a measure of order and continuity to the tracking order, the established timetables and to the flow of the proceedings which had been interrupted and superceded by the unexpected events of January 19, 2006. In addition and most importantly, the orderliness so restored would be in the best interests of all.

CERTIFICATION UNDER LOCAL RULE 7.1(a)(2)

Counsel for the Plaintiff conferred with Defendant counsel on concerning the issues presented by this motion and have attempted without success to resolve or narrow the issues.

WHEREFORE, the Plaintiff moves the court for leave to file an amended and/or supplemental Motion For Summary Judgment, along with appurtenant affidavits and memoranda, pursuant to the tracking order of November 15, 2005, by on or shortly before April 3, 2006.

REQUEST FOR ORAL ARGUMENT

Counsel for the Plaintiff believes that oral argument may assist the court and wishes to be heard and therefore doe hereby request oral argument.

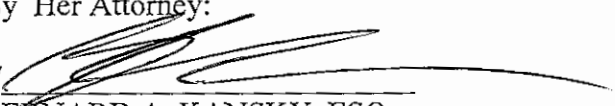
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Dated: February 17, 2006

The Plaintiff, JoAnne M. Royer

By Her Attorney:

s/


BERNARD A. KANSKY, ESQ.

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